

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

Douglas Alexander Riddle,	)	
	)	
Petitioner,	)	CV-04-415-ST
	)	
v.	)	FINDINGS AND
	)	RECOMMENDATION
INTERNAL REVENUE SERVICE and OREGON	)	
DEPARTMENT OF REVENUE,	)	
	)	
Respondents.	)	

STEWART, Magistrate Judge:

Petitioner, Douglas Alexander Riddle (“Riddle”), proceeding *pro se*, has filed Writ of Mandamus (docket #43) against the Oregon Department of Revenue (“ODOR”). This pleading is identical in substance to the First Amendment Writ of Mandamus (docket #41) which Riddle recently filed against the Internal Revenue Service (“IRS”). Petitioner states that he has requested entry of a default judgment which the Clerk of the court has neglected or refused to enter. As a result, petitioner demands “that the writ of mandamus issue forth to mandate the

ministerial duty of the clerk to enter the default immediately.” Petitioner’s demand should be denied for the same reasons as set forth in the Findings and Recommendation filed July 28, 2004 (docket # 42).

### **RECOMMENDATION**

For the reasons set forth in the Findings and Recommendation filed July 28, 2004 (docket # 42), petitioner’s Writ of Mandamus (docket #43) should be DENIED.

### **SCHEDULING ORDER**

Objections to the Findings and Recommendation, if any, are due **August 23, 2004**. If no objections are filed, then the Findings and Recommendation will be referred to a district court judge and go under advisement on that date.

If objections are filed, then a response is due within 10 days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will be referred to a district court judge and go under advisement.

DATED this 4<sup>th</sup> day of August, 2004.

/s/ Janice M. Stewart\_\_\_\_\_  
Janice M. Stewart  
United States Magistrate Judge